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Attorneys for Defendant and Counterclaim Plaintiff  
Microsoft Corporation

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

GARY ODOM

Plaintiff and Counterclaim  
Defendant,

v.

MICROSOFT CORPORATION

Defendant and Counterclaim  
Plaintiff.

Case No. 3:09-CV-230-MO

**SUBMISSION RE FINAL JUDGMENT ON  
ALL ISSUES**

Pursuant to the Court's instruction at the July 26, 2010 hearing, Defendant and Counterclaim Plaintiff Microsoft Corporation ("Microsoft") respectfully submits its proposed Final Judgment on All Issues, which is filed contemporaneously herewith. As directed by the Court, Microsoft's counsel discussed the proposed Final Judgment on All Issues with Plaintiff and Counterclaim Defendant Gary Odom, who stated that he objected to the language

referencing Microsoft's costs and disbursements. Mr. Odom stated that he did not otherwise object to the form of the Final Judgment.

As Microsoft is the "prevailing party" in this action, pursuant to Federal Rule of Civil Procedure 54(d)(1) and LR 54, Microsoft believes it is entitled to its costs and intends to submit its Bill of Costs and supporting documentation upon entry by the Court of the Final Judgment on All Issues.

Dated: August 5, 2010

**DAVIS WRIGHT TREMAINE LLP**

s/Robert D. Newell

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